

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

RAYDARD P.,

Defendant.

DECISION AND ORDER
19-CV-1580S

On April 7, 2021, Plaintiff Raydard P.¹ filed a notice of appeal from this Court's March 23, 2021 decision denying his social security appeal. See Docket Nos. 22, 25. Plaintiff also moved for leave to proceed on appeal *in forma pauperis*. See Docket No. 24. For the reasons set forth below, Plaintiff's motion is granted.

A party's application to proceed on appeal *in forma pauperis* is governed by 28 U.S.C. § 1915 and Rule 24 of the Federal Rules of Appellate Procedure. Section 1915 provides, in relevant part, that:

any court of the United States may authorize the commencement, prosecution or defense of any suit, action, or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

28 U.S.C. § 1915 (a)(1).

Rule 24 (a)(1) of the Federal Rules of Appellate Procedure requires that a party seeking to appeal *in forma pauperis* file a motion and affidavit in district court

¹ In accordance with this district's Standing Order of November 18, 2020, and consistent with guidance from the Committee on Court Administration and Case Management of the Judicial Conference of the United States, this Decision and Order identifies the plaintiff by first name and last initial only.

demonstrating the party's inability to pay, claiming an entitlement to redress, and stating the issues he intends to argue on appeal. Fed. R. App. P. 24 (a)(1).

Having reviewed Plaintiff's motion and affidavit, this Court finds that he has satisfied the requirements of Fed. R. App. P. 24 (a) and 28 U.S.C. § 1915 (a)(1) and qualifies as eligible to proceed *in forma pauperis*. His motion will therefore be granted.

IT HEREBY IS ORDERED, that Plaintiff's Motion to Proceed on Appeal *In Forma Pauperis* (Docket No. 24) is GRANTED.

FURTHER, that the Clerk of Court is directed to send a copy of this decision to Plaintiff at 74 10th Street, Apt. 104, Buffalo, NY 14201-1961 and to update his address on the docket accordingly.

SO ORDERED.

Dated: April 9, 2021
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge